

voluntary environment, some consumers do receive proper training and some do not, as evidenced by "tip of the iceberg" accident statistics.

"Revise § 103.7(c) as follows:

(c) Notwithstanding any other section pertaining to registration and marking of aircraft, ultralight vehicles are not required to be registered as aircraft, if the following conditions are met:

(1) Ultralight vehicles must be registered through an approved registration program as defined in Draft Advisory Circular 103-1, Section 3.

(2) Ultralight vehicles must bear markings as defined in Draft Advisory Circular 103-1, Section 3.

*Justification:* This paragraph will provide the necessary basis for identification of individual ultralights and will facilitate: (1) Enforcement of regulations; (2) compilation of accident

and incident data; and (3) dissemination of maintenance and other safety related information.

"Any ultralight that truly meets the requirements of current Part 103 will meet the proposed changes in terms of the flight envelope and the weight limit. Those that do not—will not. The true value of the proposed changes, as they relate to speed and weight, comes from the advantages of productive enforcement. The current procedures required for enforcement are man-hour intensive, and result, at best, with questionable findings. The changes will allow the FAA to economically enforce the rules as they were originally intended. The accountability through enforcement will greatly enhance the safety of ultralight air vehicle operations.

"This petition is intended as a package. Eipper Aircraft strongly recommends that the weight and speed criteria not be changed without the accompanying Airworthiness Standards, Pilot Certification Standards, and Vehicle Registration Program. Accountability must be mandated. There is no other way to insure the public's safety."

#### List of Subjects in 14 CFR Part 103

Ultralight, Certification, Registration.

Issued in Washington, D.C., February 5, 1985.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

[FR Doc. 3714 Filed 2-13-85; 8:45 am]

BILLING CODE 4910-13-M





# Federal Register

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Thursday  
February 14, 1985

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## Part III

### Environmental Protection Agency

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40 CFR Part 60

Amendment and Innovative Technology  
Waiver for New Source Performance  
Standards for Kraft Pulp Mills; Final Rule



# ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 60

[AD-FRL-2748-8]

### Amendment and Innovative Technology Waiver for New Source Performance Standards for Kraft Pulp Mills

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** On September 6, 1984 (49 FR 35156), the EPA proposed to amend the standards of performance for kraft pulp mills by adding a provision for determining compliance on a mass equivalent basis for digester systems and to grant, subject to concurrence by the Governor of the State of Georgia, an innovative technology waiver for operation of a new batch digester at the Owens-Illinois, Incorporated (O-I) kraft pulp mill in Clyattville, Georgia, pursuant to section 111(j) of the Clean Air Act, as amended (the Act), 42 U.S.C. 7411(j). This action promulgates the amendment and grants the waiver.

This amendment is necessary because the standards on a concentration basis preclude process systems which may have larger emissions on a concentration basis because of lower air flow rates but at the same time have equal or lesser emissions on a mass basis.

This waiver provides an opportunity to demonstrate the capability of a batch digesting displacement heating system to achieve equal or greater emission reductions than required by the existing standards of performance for digestive systems at kraft pulp mills at lower costs. Considerable energy and environmental benefits would also be achieved with this technology.

**EFFECTIVE DATE:** February 14, 1985. Under section 307(b)(1) of the Clean Air Act, judicial review of this amendment and waiver is available only by the filing of petitions for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings initiated to enforce these requirements.

**ADDRESSES:** *Docket.* Under section 307(d)(2), 42 U.S.C. 7607(d)(2), the Administrator is required to establish two separate rulemaking dockets for each rule that would apply only within the boundaries of one State. One copy of

the docket (Docket No. A-84-16) is located in Washington, D.C., at EPA's Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, SW. A second copy is located at the EPA Regional Office in Atlanta, Georgia, at 345 Courtland Street.

The docket may be inspected at the listed addresses between 8:00 a.m. and 4:00 p.m. on weekdays. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Eddinger, Industrial Studies Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5595.

#### SUPPLEMENTARY INFORMATION:

##### Background

##### Current Regulations

On September 24, 1976, standards of performance were proposed to limit emissions of particulate matter and total reduced sulfur compounds (TRS) from new, modified, and reconstructed kraft pulp mills (41 FR 42012). Final standards were published in the *Federal Register* on February 23, 1978 (43 FR 7568). Proposed revisions to the standards were published in the *Federal Register* on January 19, 1984 (49 FR 2448).

Section 111 of the Clean Air Act, as amended, requires that standards of performance be established at levels that reflect the performance of best demonstrated technology (BDT) for emission control. For digester systems, BDT for TRS emission control was determined to be incineration of exhaust gases. The digester TRS emission standard reflecting the performance of well-designed and well-operated incinerators was determined to be 5 parts per million (ppm).

##### Requirements of Section 111(j)

Section 111(j) of the Clean Air Act sets forth provisions for the issuance of waivers for the development of innovative technology. In the 1977 Amendments to the Clean Air Act, Congress added this provision to encourage the use of innovative technological systems of continuous emission reduction for the control of air pollutants. The intent in doing so was to provide a statutory incentive for the improvement of emission control technology and for reducing costs, environmental impacts, and energy usage of such technology.

Under section 111(j) of the Act, upon request by the owner or operator of a new source and with the consent of the Governor of the State in which the source is located, the Administrator is

authorized to grant a waiver from the requirements of section 111 for a limited time period and under specific terms and conditions provided certain statutory prerequisites are satisfied. The Administrator must determine that:

a. The proposed system or systems have not been adequately demonstrated;

b. The proposed system or systems will operate effectively and there is a substantial likelihood that such system or systems will achieve greater continuous emission reduction than that required to be achieved under the standard of performance which would otherwise apply, or achieve at least an equivalent reduction at lower costs in terms of energy, economic, or nonair quality environmental impact;

c. The owner or operator of the proposed source has demonstrated to the satisfaction of the Administrator that the proposed system will not cause or contribute unreasonable risk to public health, welfare, or safety in its operation, function or malfunction; and

d. The number of waivers granted under section 111(j) with respect to a proposed technological system of continuous emission reduction shall not exceed such number as the Administrator finds necessary to ascertain whether or not such a system will achieve the conditions specified in "b" and "c" immediately above.

In making and determination under "b", the Administrator shall take into account any previous failure of such system or systems to operate effectively or to meet any requirement of the new source performance standards (NSPS). In determining whether an unreasonable risk exists under "c", the Administrator shall consider, among other factors, whether and to what extent the use of the proposed technological system will cause, increase, reduce, or eliminate emissions of any unregulated pollutants; available methods for reducing or eliminating any risk to public health, welfare, or safety which may be associated with the use of such system; and the availability of other technological systems which may be used to conform to standards under section 111 without causing or contributing to such unreasonable risk. The Administrator may conduct such tests and may require the owner or operator of the proposed source to conduct such tests and provide such information as is necessary to carry out "c". Such requirements shall include a requirement for prompt reporting of the emission of any unregulated pollutant from a system if such pollutant was not emitted, or was emitted in significantly



lesser amounts without use of such system.

#### Waiver Request

On March 11, 1984, Owens-Illinois, Incorporated (O-I) submitted a request for an innovative technology waiver for the batch digester and multiple effect evaporator system at its Valdosta kraft pulp mill in Clyattville, Georgia. O-I indicates that a waiver would permit it to install and operate a digester displacement heating system that eventually would enable the digester system to comply with the mass equivalent of the NSPS TRS emission limit of 5 ppm. Additionally, O-I indicates that the displacement heating system (DHS) would achieve emission reductions at least equivalent to those of the control technology on which the standard is based, but at lower cost.

O-I plans to install DHS on its 9 existing batch digesters late in 1984. A new digester with a DHS will be installed first to maintain production capacity as each of the 9 existing digesters are removed from operation singly to retrofit the DHS. It is the new digester system which would be subject to the NSPS. Neither the existing digesters nor the multiple effect evaporators are, or would be, subject to NSPS.

Laboratory analysis suggests that TRS emissions from digesters with DHS may be displaced to evaporator condensate and exhaust gases. O-I expects that the BOD content of the overall mill effluent will be reduced, or be at least the same, by the use of the DHS because the displacement feature of the system will result in a corresponding reduction in the BOD content of the effluent from the present pulp washing system. The displacement stage can be considered as a stage of the mill's pulp washing system.

#### Proposed Waiver

The Agency reviewed the waiver request with regard to the requirements under section 111(j) of the Act and concluded that this request met the requirements of the Act. Therefore, the Agency proposed on September 6, 1984, to grant an innovative technology waiver to the Owens-Illinois, Incorporated, kraft pulp mill in Clyattville, Georgia, subject to the concurrence of the Governor of Georgia.

#### Waiver

##### Summary of the Final Waiver

A waiver is granted to Owens-Illinois for the No. 10 batch digester being built at the kraft pulp mill in Clyattville, Georgia. The No. 10 digester is

scheduled to start operation in late 1984. The waiver limits TRS emissions from the No. 10 digester to 0.02 lb TRS/ton of air dried pulp. The waiver also limits TRS emissions from the multiple effect evaporator system to the TRS level existing prior to installation of the No. 10 digester. The waiver is effective from No. 10 digester startup to December 31, 1986.

#### Governor's Concurrence

The Honorable Joe Frank Harris, Governor of the State of Georgia, has concurred in the innovative technology waiver as set forth herein under section 111(j)(A) of the Act, 42 U.S.C. 7411(j)(1)(A). Such a concurrence is a prerequisite for the granting of an innovative technology waiver by the Administrator under section 111(j) of the Act. The waiver as set forth herein is hereby granted.

#### Public Participation

The amendment and waiver were proposed and published in the *Federal Register* on September 6, 1984 (49 FR 35156). The preamble to the proposed amendment and waiver discussed in detail information relating to the DHS and the requirements of a waiver under section 111(j) of the Clean Air Act. Public comments were solicited at the time of proposal and interested persons were given the opportunity to request a public hearing on the amendment and waiver. No public hearing was requested. The public comment period was from September 6, 1984, to October 19, 1984. No public comments were received.

#### Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated standards and EPA responses to significant comments, the contents of the docket will serve as the record in case of judicial review (Section 307(d)(7)(A)).

#### Miscellaneous

The Paperwork Reduction Act of 1980 (Pub. L. 96-511) requires EPA to submit to the Office of Management and Budget (OMB) certain public reporting/

recordkeeping requirements before proposal. This rulemaking does not involve a "collection of information".

The Administrator certifies that a regulatory flexibility analysis under 5 U.S.C. 601 et seq. is not required for this rulemaking because the rulemaking would not have a significant impact on a substantial number of small entities. The rulemaking would not impose any new requirements and, therefore, no additional costs would be imposed. It is, therefore, classified as nonmajor under Executive Order 12241.

#### List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Incorporation by reference, Can surface coating, Industrial organic chemicals, Organic solvent cleaners, Fossil fuel-fixed steam generators.

Dated: January 31, 1985.

Lee M. Thomas,

Acting Administrator.

#### PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Title 40 Part 60, Subpart BB of the code of Federal Regulations is amended to read as follows:

1. Section 60.283, is amended by adding paragraph (a)(1)(vi) to read as follows:

##### § 60.283 Standard for total reduced sulfur (TRS).

(a) \* \* \*

(1) \* \* \*

(vi) The uncontrolled exhaust gases from a new, modified, or reconstructed digester system contain TRS less than 0.005 g/kg ADP (0.01 lb/ton ADP).

2. Section 60.286 is added to read as follows:

##### § 60.286 Innovative technology waiver.

(a) Pursuant to section 111(j) of the Clean Air Act, 42 U.S.C. 7411(j), the No. 10 batch digester at Owens-Illinois Incorporated's Valdosta kraft pulp mill in Clyattville, Georgia, shall comply with the following conditions:

(1) Owens-Illinois, Incorporated shall obtain the necessary permits as required by Section 173 of the Clean Air Act, as



amended August 1977, to operate the No. 10 batch digester at the Valdosta mill.

(2) Commencing on [date of promulgation in Federal Register] and continuing for 2 years or to December 31, 1986, or until the displacement heating system that can achieve the standard specified in 40 CFR 60.283 is demonstrated to the Administrator's satisfaction, whichever comes first, Owens Illinois, Incorporated shall limit the discharge of TRS emissions to the atmosphere:

(i) From the No. 10 batch digester at the Valdosta mill to 0.02 lb of TRS per ton of air-dried pulp.

(ii) From the existing multiple-effect evaporators at the Valdosta mill to the TRS level existing prior to the modifications.

(3) Commencing the day after the expiration of the period described in (2) above, and continuing thereafter, emissions of TRS from the No. 10 batch digester shall not exceed the TRS level of 0.005 g/kg ADP (0.01 lb/ton ADP) as specified in 40 CFR 60.283.

(4) The No. 10 batch digester system shall comply with the provisions of §§ 60.284 and 60.285.

(5) A technology development report shall be sent to EPA, Emission Standards and Engineering Division (MD-13), Research Triangle Park, North Carolina 27711 and EPA Region IV, 345 Courtland, NE, Atlanta, Georgia 30365, postmarked before 60 days after the promulgation of this waiver and every 6 months thereafter while this waiver is in effect. The technology development report shall summarize the displacement heating system work including the results of tests of the various emission points being evaluated. The report shall include an updated schedule of attainment of 40 CFR 60.283 based on the most current information. Tests will be conducted prior to and after the digester modifications for TRS emissions and air flow rates on all vents to the atmosphere from the No. 10 digester system, the multiple effect evaporator system, and at the existing batch digester system. In addition, tests will be performed to determine the BOD content of the effluents from the multiple effect evaporator system, the brown stock washing system, and the mill prior to and after the digester modifications.

(b) This waiver shall be a federally promulgated standard of performance.

As such, it shall be unlawful for Owens-Illinois, Incorporated to operate the No. 10 batch digester or the multiple-effect evaporators in violation of the requirements established in this waiver. Violations of the terms and conditions of this waiver shall subject Owens-Illinois, Incorporated to enforcement under section 113 (b) and (c), 42 U.S.C. 7412 (b) and (c), and Section 120, 42 U.S.C. 7420, of the Act as well as possible citizen enforcement under section 304 of the Act, 42 U.S.C. 7604.

3. Section 60.285 is amended by adding a new paragraph (d)(5) to read as follows:

**§ 60.285 Test methods and procedures.**

(d) \* \* \*

(5) When determining compliance with § 60.283(a)(1)(vi), use the results of Method 2, Method 16, and the pulp production rate in the equation specified in § 60.285(d)(3), except substitute the pulp production rate (PPR) [kg/hr (tons/hr)] for the black liquor solids feed rate (BLS).

\* \* \*

[FR Doc. 85-3230 Filed 2-13-85; 8:45 am]

BILLING CODE 5560-50-M



# **Environmental Protection Agency**

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**Thursday  
February 14, 1985**

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## **Part IV**

### **Environmental Protection Agency**

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**40 CFR Part 300**

**Amendment to National Oil and  
Hazardous Substances Contingency Plan,  
National Priorities List, Final Rule**



# ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 300

[WH-FRL-2749-4]

### Amendment to National Oil and Hazardous Substances Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency ("EPA") is amending the National Oil and Hazardous Substances Contingency Plan ("NCP"), which was promulgated on July 16, 1982, pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") and Executive Order 12316. This amendment revises the National Priorities List ("NPL"), which initially was promulgated as Appendix B of the NCP on September 8, 1983, by adding the Glen Ridge Radium Site located in Glen Ridge, New Jersey, and the Montclair/West Orange Radium Site located in Montclair and West Orange, New Jersey, to the final NPL.

**EFFECTIVE DATE:** The promulgation date for this amendment to the NCP shall be March 18, 1985.<sup>1</sup>

**FOR FURTHER INFORMATION CONTACT:** Joseph R. Gearo, Jr., Hazardous Site Control Division, Office of Emergency and Remedial Response (WH-548E), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C., 20460, Phone (800) 424-9346 (or 382-3000 in the Washington, D.C., metropolitan area).

**SUPPLEMENTARY INFORMATION:** Table of Contents:

- I. Background of the NPL
- II. Background of the Glen Ridge and Montclair/West Orange, NJ, Radium Sites
- III. Addition of the Glen Ridge and Montclair/West Orange, NJ, Radium Sites to the NPL
- IV. Regulatory Impact
- V. Regulatory Flexibility Act Analysis

#### I. Background of the NPL

Pursuant to section 105 of the Comprehensive Environmental

Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601-9657 ("CERCLA" or "the Act"), and Executive Order 12316 (46 FR 42237, August 20, 1981), the Environmental Protection Agency ("EPA" or "the Agency") promulgated the revised National Contingency Plan ("NCP"), 40 CFR Part 300, on July 16, 1982 (47 FR 31180). Those amendments to the NCP implemented responsibilities and authorities created by CERCLA to respond to releases and threatened releases of hazardous substances, pollutants, and contaminants.

Section 105(8)(A) of CERCLA requires that the NCP include criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable, take into account the potential urgency of such action, for the purpose of taking removal action. Removal action involves cleanup or other actions that are taken in response to releases or threats of releases on a short-term or temporary basis (CERCLA section 101(23)). Remedial action tends to be long-term in nature and involves response actions which are consistent with a permanent remedy for a release (CERCLA section 101(24)). Criteria for determining priorities for possible Fund-financed remedial actions are included in the Hazard Ranking System ("HRS"), which EPA promulgated as Appendix A of the NCP (47 FR 31219, July 16, 1982).

Section 105(8)(B) of CERCLA requires that these criteria be used to prepare a list of national priorities among the known releases or threatened releases throughout the United States, and that to the extent practicable, at least 400 sites be designated individually on this National Priorities List (NPL). Section 105(8)(B) also requires that the list of priorities be revised at least annually. EPA has included on the NPL releases and threatened releases of designated hazardous substances as well as "pollutants or contaminants" which may present an imminent and substantial danger to the public health or welfare. CERCLA requires that the NPL be included as part of the NCP. An initial NPL of 406 sites was promulgated on September 8, 1983 (48 FR 40658). On May 8, 1984, EPA amended the NCP by adding four sites in San Gabriel, California, to the NPL. On September 21, 1984, EPA further amended the NCP by adding 128 sites to the NPL (49 FR 37070). The second proposed update was published in the Federal Register on October 15, 1984 (49 FR 40320). The second update proposed the addition of 244 sites, including the two sites which are the subject of this regulation.

Additional discussion on the purpose and development of the NPL and on generic issues relating to the HRS are included in the preambles to the NPL promulgated on September 8, 1983 (48 FR 40658), and amended on September 21, 1984 (49 FR 37070).

Section 300.68(a) of the NCP reserves Fund-financed remedial actions for sites on the NPL. Inclusion of a site on the NPL is not necessary for other types of response actions such as removal actions or enforcement actions. Moreover, a site need not be on the NPL to be the subject of a private action pursuant to section 107(a)(4)(B) of CERCLA.

#### II. Background of the Glen Ridge and Montclair/West Orange, NJ, Radium Sites

The Glen Ridge and Montclair/West Orange, NJ, Radium Sites were included in the proposed rulemaking for the second update of the NPL (49 FR 40320, October 15, 1984). These two sites are located in residential areas of Essex County. The Glen Ridge Radium Site, located in a suburban residential neighborhood area of about 0.25 square miles, contains approximately 9,000 cubic yards of soil contaminated with radioactive material, which is believed to be radium-processing waste. The Montclair/West Orange Radium Site, located in two suburban residential neighborhood areas of about 0.5 square miles, contains approximately 9,000 cubic yards of soil contaminated with radioactive material, also believed to be radium-processing waste.

Several years ago, the State of New Jersey investigated a radium-processing facility in Orange, NJ, that had ceased operation in the 1920's. The possibility of off-site disposal of radium-processing waste prompted an aerial survey of surrounding areas for gamma radiation. Based on the results of the aerial survey, field surveys conducted in July 1983 identified a number of suburban homes in Glen Ridge, Montclair, and West Orange, with high levels of radon gas. In December 1983, EPA started a major field investigation to define the extent of contamination and identify additional problem homes.

The special conditions at these two sites that warrant their expedited addition to the NPL are elevated concentrations of radon gas measured inside residential homes within the sites and the gamma radiation that has been detected both inside and outside a number of homes and at a nearby park. The Centers for Disease Control (CDC) have advised EPA to take remedial action to adequately address the

<sup>1</sup> CERCLA section 305 provides for a legislative veto of regulations promulgated under CERCLA. Although *JNS v. Chodha*, — U.S. —, 103 S. Ct. 2764 (1983), cast the validity of the legislative veto into question, EPA has transmitted a copy of this regulation to the Secretary of the Senate and the Clerk of the House of Representatives. If any action by Congress calls the effective date of this regulation into question, the Agency will publish a notice of clarification in the Federal Register.



emission of radon gas into residential basements and the gamma radiation in and around the homes. The Agency has taken emergency action under its CERCLA removal authority to temporarily address the release of radon gas by installing ventilation systems in and around many of the homes, but it is expected that additional, expedited actions will be necessary to further reduce radon to acceptable levels and to mitigate areas of high gamma radiation.

EPA is conducting remedial planning activities consistent with section 300.68 of the NCP to determine what remedial actions are justified by the actual or potential threat posed by the contaminated soil.

### III. Addition of the Glen Ridge and Montclair/West Orange, NJ Radium Sites to NPL

The action being taken today will add the Glen Ridge Radium Site in Glen Ridge, NJ and the Montclair/West Orange Radium Site in Montclair and West Orange, NJ, to the NPL. No public comments were received by EPA on these two sites during the 60-day comment period, which concluded on December 14, 1984, following the proposed addition of these two sites to the NPL. EPA has reviewed the HRS score for each of these two sites and has determined that no information has come to the Agency's attention during the comment period that would justify a change in the HRS scores. The final scores for both sites are 49.14, substantially above the minimum score of 28.50 required for a site to be included on the NPL.

The decision to add these two sites to the NPL immediately rather than waiting until completion of rulemaking on the other 242 sites included in the October 15, 1984 (49 FR 40320), proposed rule, is based on the serious and immediate nature of the problem. In all probability, this release can be addressed most efficiently through a remedial rather than a removal action. Remedial actions are restricted to sites on the final NPL. The recommendation of the CDC was that remedial actions should be completed by December 1985. Immediate regulatory action must be taken in order to be able to complete remedial actions by that date.

### IV. Regulatory Impact

The addition of these two sites to the final rulemaking on the NPL does not

meet the Executive Order 12291 definition of the term "major rule."

The purpose of the NPL is primarily to serve as an informational tool for use by EPA in identifying sites that appear to present a significant risk to public health or the environment. The initial identification of a site on the NPL is intended primarily to guide EPA in determining which sites warrant further investigation designed to assess the nature and extent of the public health and environmental risks associated with the site and to determine what response action, if any, may be appropriate. Inclusion of a site on the NPL does not establish that EPA necessarily will undertake response actions. Moreover, listing does not require any action of any person, nor does it determine the liability of any person for the cost of cleanup at the site.

The HRS scores used to place sites on the NPL are helpful to the Agency in determining priorities for cleanup and other response activities among sites on the NPL. However, EPA does not rely on the scores as the sole means of determining such priorities, as discussed below. Neither can the HRS itself determine the appropriate remedy for a site. The information collected to develop HRS scores to choose sites for the NPL is not sufficient in itself to determine the appropriate remedy for a particular site. EPA generally relies on further, more detailed studies conducted at the site to determine what response, if any, is appropriate. Decisions on the type and extent of action to be taken at these two sites will be made on the basis of such studies and in accordance with the criteria contained in Subpart F of the NCP.

A full assessment of the cost of remedial action at these two sites has not yet been developed by EPA. Cost estimates for remedial alternatives will be developed during the remedial planning activities. However, very preliminary analyses indicate that although the cost will almost certainly exceed \$1 million, it is extremely unlikely that remedial action will cause an annual effect on the economy of \$100 million or more. It is not expected that remedial action will cause a major increase in costs or prices, nor will it have significant adverse effects on competition, employment, investment or

any other criteria of Executive Order 12291. Rather, beneficial effects are anticipated from any actions taken to reduce exposure to radon gas, radon progeny and gamma radiation.

### V. Regulatory Flexibility Act Analysis

After reviewing the criteria for significant economic impact on substantial numbers of small entities as defined by the Regulatory Flexibility Act, EPA has concluded that promulgation of this rule will not have a significant effect on a substantial number of small entities.

In defining the purpose of the NPL (49 FR 40320, October 15, 1984), EPA has determined that listing does not require any action of any private party for the cost of cleanup at the site. Currently, EPA and the State of New Jersey expect to fund remedial activities at the two sites; however, a search for potentially responsible parties is underway. Should any potentially responsible parties be identified, EPA may seek to recover any costs of remedial activities conducted at these two sites. However, the cost of cleaning up these sites and the portion of costs that might be borne by any identifiable potentially responsible parties cannot be estimated at this time. Moreover, any costs borne by responsible parties would result from subsequent discretionary enforcement actions by EPA, not from listing the sites on the NPL. In addition, it is unlikely that any EPA remedial activities at these two sites would significantly affect a substantial number of small business entities.

### List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: February 1, 1985.

Lee M. Thomas,  
Acting Administrator.

### PART 300—[AMENDED]

#### Appendix B—[Amended]

The National Priorities List, which is Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan, is hereby amended to add the following sites to Group 4:



EPA region	State	Site name	City	Response # category	Cleanup @ status
			Group 4		
2	NJ	Glen Ridge Radium Site	Glen Ridge	R	O
2	NJ	Montclair/West Orange Radium Site	Montclair/West Orange	R	O

# - V=Voluntary or Negotiated response; F=Federal enforcement; R=Federal and State response; S=State enforcement; D=Actions to be determined.

@ - I=Implementation activity underway, one or more operable units; O=One or more operable units completed, others may be underway; C=Implementation activity completed for all operable units.

(42 U.S.C. 7605(a)(b) CERCLA 105)

[FR Doc. 85-3229 Filed 2-13-85; 8:45 am]

BILLING CODE 5560-50-M